

**REMARKS/ARGUMENTS**

Applicants respectfully request a corrected filing receipt that adds the second inventor, Kurt Hansen. A Request to Correct Inventorship under 37 C.F.R. § 1.48 was filed by Applicants with the U. S. Patent Office on November 1, 2002. This Request to Correct Inventorship included a Statement from Kurt Hansen, executed Declarations by Keith W. Diveley and Kurt Hansen in accordance with 37 C.F.R. § 1.63, and written consent from the assignee, First Data Corporation. Although the postcard was returned acknowledging receipt by the U. S. Patent and Trademark Office of the Request to Correct Inventorship, applicants have never received a corrected filing receipt denoting both Kurt Hansen and Keith W. Diveley as inventors of the instant application.

**Status of the application:**

Prior to the entry of this amendment, claims 1-31 and 38-49 were pending in this application. The present amendment: amends claims 1, 4, 12, 13, 25 and 29; adds claims 50, 51, 52 and 53; and cancels claims 3, 8, 9, 11, 14, 16-24, 26-28, and 30-49. Hence, after entry of this amendment, claims 1, 2, 4-7, 10, 12, 13, 15, 25, 29, 50, 51, 52 and 53 are now pending in the application. No new matter has been introduced with the addition of the new claims or the foregoing amendments. For example support for the new claims and the amendments may be found at, *inter alia*, page 2, line 24 through page 3, line 2, page 3, lines 21 through 25 and page 11, line 24 through page 12, line 14. Reconsideration of the subject application as amended is respectfully requested.

In the Office Action, claims 1-6 and 8-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lorsch, U.S. Patent No. 5,903,633 ("Lorsch") in view of O'Mahony et al., "Electronic Payment Systems" (1997) ("O'Mahony"). Further, claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lorsch in view of Vulcan *et al.*, U.S. Patent No. 5,799,072 ("Vulcan").

**35 U.S.C. § 103(a) Rejections**

Independent claims 1, 12 and 25 stand rejected under 35 U.S.C. § 102(b) over Lorsch in view of the O'Mahony reference. Reconsideration of these rejections is respectfully requested because Lorsch and O'Mahony, alone or in combination, do not teach or suggest all of the elements of claims 1, 12 and 25, as amended.

As now amended, independent claim 1 claims a payment service method for activating dial tone service "wherein the dial tone service is configured to provide direct and uninterrupted access to telecommunication services." Further, independent claim 1, as amended, claims a payment service method where the dial tone service is activated by the payment service provider sending an electronic record to a telecommunication switch to provide that the dial tone service is, essentially, activated upon receipt of payment. Similarly, as amended, independent claim 12 claims a payment system for activating "dial tone service for a customer phone number." And, as with amended claim 1, amended claim 12 contains the limitation that a telecommunication switch is accessed to provide for the activation of the dial tone service upon receipt of a payment from a customer by the payment service provider.

As observed in Applicants' patent application, there may be drawbacks for some consumers who desire to make real-time payments on dial tone service and/or to instantly activate dial tone service. (Application pp.1-2). For example, certain consumers do not have the relationships with financial institutions to provide for making such payments or such activations. *Id.* Moreover, such customers are likely to desire immediate payment for the dial tone service or activation of the phone service to provide that they have instant and/or uninterrupted access to phone services. *Id.*

In contrast to the claimed activation of the dial tone service to provide direct and uninterrupted access to telecommunication services, the Lorsch reference discloses use of calling cards, wherein a customer may only periodically and indirectly access telecommunication services using a personal identification number (PIN). Lorsch makes absolutely no mention of dial tone services. In fact, Lorsch tends to teach away from systems and methods for directly and uninterruptedly connecting to telecommunication services in that Lorsch is solely concerned

with improved methods and systems for indirect and discrete connections to telecommunication services - *i.e.* using PINs to gain access to telecommunication services on an event-by-event basis. Further, Lorsch does not teach or suggest the use of telecommunication switches to provide for direct telecommunication service access by a customer and also does not teach or suggest communicating information to such switches to provide for activation of dial tone services upon receipt of payment to a payment service provider.

The second reference, O'Mahony, makes no mention of telecommunication services and, in particular, does not mention dial tone service. Additionally, O'Mahony does not teach or suggest transferring electronic records to telecommunication switches to provide for activation of direct and uninterrupted telecommunication services upon receipt of payment.

Independent claim 25 claims a method for activating a phone service in which a customer initiates an account for phone services with a consumer provider that requires a payment prior to activation of the phone services. As claimed, the consumer provider provides information regarding the account to a service payment provider and periodically updates the account information provided to the payment service provider. As such, the customer may make a payment to the payment service provider and, if the status of the account is as required, the requested phone services may be activated upon payment by the customer to the payment service provider, using a telecommunication switch. Neither Lorsch nor O'Mahony teach or suggest a customer opening an account for phone services with a consumer provider and then activating the phone services in substantially real time by making a payment to a payment service provider. Neither Lorsch nor O'Mahony teach or suggest the consumer provider providing periodic account status information to the consumer provider to provide for accurate phone service activation. Further, neither Lorsch nor O'Mahony teach or suggest using a telecommunication switch to provide for the substantially real-time activation of the phone service.

As discussed above, neither Lorsch nor O'Mahony teach or suggest all of the limitations of independent claims 1, 12 and 25, as amended. For at least these reasons, independent claims 1, 12 and 25 are believed to be allowable over Lorsch and O'Mahony and withdrawal of the rejections of the claims under 35 U.S.C. § 102(b) is respectfully requested. Claims 2, 4, 6, 10, 13, 15, 50, 51, 52 and 53 depend from independent claims 1, 12 and 25 and

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are distinguishable from the references for at least the same reasons. Further, claim 7 is dependent from independent claim 1 and is distinguishable from Lorsch in light of Vulcan for at least the reasons discussed above because Vulcan does not teach or suggest the discussed limitations.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

  
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